

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW JOHN SHEFFER,

Plaintiff,

v.

CENTRE COUNTY, *et al.*,

Defendants.

No. 4:18-CV-02080

(Judge Brann)

(Magistrate Judge Mehalchick)

ORDER

JUNE 26, 2019

On May 23, 2019, Magistrate Judge Karoline Mehalchick issued a Report and Recommendation on several pending motions to dismiss. No timely objections were filed to this Report and Recommendation. Finding no clear error on the face of the record, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation, ECF No. 25, is **ADOPTED**, and all pending motions to dismiss, Nos. 4, 5, 8, and 10, are **GRANTED**, as follows:
 - a. The following claims are **DISMISSED WITH PREJUDICE**, without leave to amend:
 - i. All claims brought against the Centre County Judiciary, the Centre County District Attorney's Office, and the Pennsylvania State Police, Rockview Barracks, to the extent that Sheffer may have intended to seek liability

against them under 42 U.S.C. § 1983, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6);

ii. All claims brought against the Judicial Defendants under 42 U.S.C. § 1983, pursuant to Fed. R. Civ. P. 12(b)(6) on the basis of absolute judicial immunity;

iii. All claims for monetary relief brought against ADA Hundt under 42 U.S.C. § 1983, pursuant to Fed. R. Civ. P. 12(b)(6) on the basis of absolute prosecutorial immunity;

iv. All claims brought against each Defendant under 42 U.S.C. §§ 1981, 1985, 1988, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6); and

v. All claims brought against each Defendant under the Pennsylvania Constitution, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

b. The following claims are **DISMISSED WITHOUT PREJUDICE**, with leave to amend:

i. Sheffer's municipal liability claims brought against Centre County under 42 U.S.C. § 1983, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6);

- ii. Sheffer's claims brought against Trooper Ebeck in his individual capacity under 42 U.S.C. § 1983, for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6);
 - iii. Any remaining state law claims against the Defendants pursuant to 28 U.S.C. § 1367(c)(3);
2. No later than July 26, 2019, Plaintiff **MAY FILE** an amended complaint that reasserts the claims dismissed without prejudice and that cures the pleading deficiencies outlined in Magistrate Judge Mehalchick's Report and Recommendation.
3. This matter is remanded to Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge